

APPEAL NO. 030597
FILED APRIL 22, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 10, 2003. The hearing officer determined that the respondent (claimant) had disability from February 25, 2002, and continuing to the date of the CCH.

The appellant (carrier) appeals, citing certain testimony and surveillance videotape, which it asserts shows that the claimant does not have disability. The claimant responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable left hip and groin strain/sprain injury on _____. The claimant worked an additional four days or so until he was taken off work by his treating doctor. The claimant has seen four doctors, including a carrier required medical examination doctor, and none have released the claimant to return to work at regular duty (one doctor released the claimant to light duty). The carrier relies on surveillance videotape, which basically shows the claimant standing, walking, and holding some light objects. Essentially the carrier asks us to substitute our judgment for that of the hearing officer, something we decline to do.

We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer to resolve. The hearing officer reviewed the record, including the surveillance videotape, and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN RISK FUNDING INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RON ARTHUR
12222 MERRITT DRIVE
DALLAS, TEXAS 75251.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Daniel R. Barry
Appeals Judge